

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

FLORENDA STARKS

PLAINTIFF

V.

CIVIL ACTION NO. 3:18CV-47-DAS

COMMISSIONER OF SOCIAL SECURITY

JUDGMENT

This cause is before the court on the plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration regarding her application for Social Security Disability and/or Supplemental Security Income. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the record, the administrative transcript, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

In this case, the ALJ found the claimant could perform a full range of light work. Among other things, light work means the claimant is able to stand and walk for up to six hours in an eight-hour workday. The only evidence in the record to support this finding came from the state agency physicians who did not have the treating physician's treatment records that included numerous references to diabetic neuropathy. After examining the record, the court is unable to find any evidence that contradicts these references. Accordingly, the court finds that such a finding is not supported by substantial evidence and remands the action for the ALJ to clarify his finding as to this issue.

Because this action must be remanded on other grounds, the court directs the Commissioner to clarify what the plaintiff's past relevant work included – that is, whether jailer or corrections worker, and clarify how she performed the work.

This case is remanded to the Commissioner for further proceedings consistent with this order.

SO ORDERED this the 12th day of February, 2019.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE